

Board Members

Miki Paul, Ph.D.
Chairperson
Gary D. Lovejoy, Ph.D.
Vice-Chairperson
Maryann Santos de Barona, Ph.D.
Secretary
Melissa Del-Colle
Joseph C. Donaldson
Megan Hunter-Williams
Cheryl L. Karp, Ph.D.
Ramona N. Mellott, Ph.D.
Fred Wiggins, Ph.D.



State of Arizona Board of Psychologist Examiners

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Staff

Maxine McCarthy
Executive Director

Marcus E. Harvey
Deputy Director

Vicki E. Fox
Investigator

Shari S. Courtney
Administrative
Assistant

REGULAR SESSION MINUTES

Friday, April 6, 2007

1400 West Washington
Basement Conference Room, #B-1
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Paul at 8:30 a.m. on Friday, April 6, 2007. Two Executive Sessions were held from 2:27 p.m. to 2:42 p.m. and 3:55 p.m. to 4:02 p.m. for the purpose of obtaining confidential legal advice from the Board's attorney.

2. ROLL CALL

Board Members Present

Miki Paul, Ph.D. - Chairperson
Gary D. Lovejoy, Ph.D. - Vice-Chairperson
Maryann Santos de Barona, Ph.D. - Secretary
Melissa Del-Colle
Megan Hunter-Williams
Cheryl L. Karp, Ph.D.
Fred Wiggins, Ph.D.

Board Members Absent

Joseph C. Donaldson
Ramona N. Mellott, Ph.D.

Staff Present

Maxine McCarthy, Executive Director
Marcus Harvey, Deputy Director
Vicki Fox, Investigator
Shari Courtney, Administrative Assistant

Attorney General's Office

Keely Verstegen, Esq.
Assistant Attorney General

3. REMARKS/ANNOUNCEMENTS

Chairperson Paul introduced and welcomed to the Board Megan Hunter-Williams, who was appointed by the Governor to fill the unexpired portion of Byron Rimm's term as a public member of the Board.

Dr. Paul next announced that the members of the Ad Hoc Supervision Study Committee had been appointed. Appointed to the Committee were two university psychologists, Judith Homer, Ph.D., of Arizona State University in Tempe; and Thomas Stefano, Ed.D., of Northern Arizona University in Flagstaff; and two practice psychologists, Eric Schindler, Ph.D., of Tucson; and James Cox, Ed.D., of Casa Grande, who would serve as Chairperson. The first meeting would be scheduled for sometime in April and the final report would be due in October.

Dr. Paul then announced that while the Board had unanimously nominated Ms. McCarthy in December 2006 for the Association of State and Provincial Psychology Boards' Ming Fisher

Award, Ms. McCarthy, though honored, respectfully requested that the Board not follow through on her nomination. It was the consensus of the Board to respect Ms. McCarthy's request, who stated that she was satisfied with her award from the Arizona Psychological Association and felt that there were many others more involved with the ASPPB who would be more deserving of the award.

Next, Dr. Paul announced that the Board's new rules changes had been approved by the Governor's Regulatory Review Council and would go into effect on June 4, 2007. She highlighted that after this date, the Board would be able to consider violations of American Psychological Association's Code of Ethics as unprofessional conducted. She also thanked Mr. Harvey for his hard work on the rules writing task.

Dr. Paul stated that documentation was available for licensees who wished to receive continuing education credit for attending Board meetings and explained the procedures for documenting the attendance. Dr. Paul also announced that anyone was welcome to complete a Board meeting assessment survey and she noted some of the concerns listed on surveys from the previous meeting.

Finally, Dr. Paul reminded the Board of procedures for being recognized by the Chairperson to speak and the timing of agenda of items.

4. APPROVAL OF MINUTES

- **Regular Session – February 2, 2007** – A motion was made by Dr. Lovejoy, seconded by Ms. Del-Colle, and carried (6-0-1), with Ms. Hunter-Williams abstaining from the vote, to approve the February 2, 2007 Regular Session minutes.
- **Executive Session – February 2, 2007** – A motion was made by Dr. Santos de Barona, seconded by Dr. Wiggins, and carried (6-0-1), with Ms. Hunter-Williams abstaining from the vote, to approve the February 2, 2007 Executive Session minutes.
- **Regular Session Conference Call – March 2, 2007** – Finally, Dr. Wiggins made a motion, which was seconded by Dr. Karp, and carried (6-0-1), with Ms. Hunter-Williams abstaining from the vote, to approve the March 2, 2007 Regular Session Conference Call minutes.

5. CALL TO THE PUBLIC

Chairperson Paul gave the public the opportunity to address the Board at this time.

- Dr. Audrey Goldman addressed the Board regarding Agenda item 9.
- Dr. Faren Akins addressed the Board, congratulating Ms. Hunter-Williams on her appointment to the Board, recognizing the appointment of the Ad Hoc Study Committee on Supervision Issues and stating the Ms. McCarthy still deserved the Ming Fisher Award, despite withdrawing her nomination.

6. DISCUSSION/DECISION REGARDING APPROVAL OF PROPOSED CONSENT AGREEMENT – John Kent, Ph.D. – No. 06-34

Dr. Paul gave the background in this case. Dr. Kent and his attorney, Kraig Marton, Esq. were present and addressed the Board regarding the proposed consent agreement. Board members proceeded to discuss this matter after which a motion was made by Dr. Karp, seconded by Dr. Lovejoy and unanimously carried (7-0), to accept the consent agreement for Dr. Kent placing his license on Medical Inactive status until he appears before the Board and demonstrates by appropriate means his fitness to practice.

7. DISCUSSION/DECISION REGARDING APPROVAL OF PROPOSED CONSENT AGREEMENT – Maria Hannel, Ph.D. – No. 06-18

Dr. Paul gave the background in this case after which the complainant made a statement to the Board. Bruce Crawford, Esq., attorney for Dr. Hannel, then addressed the Board regarding the

proposed consent agreement in this case. Board members asked questions of Mr. Crawford and proceeded to deliberate.

A motion was made by Dr. Lovejoy, seconded by Dr. Karp, and carried (6-1), with Dr. Wiggins voting no, to accept the proposed consent agreement, as modified by the discussion, to require that Dr. Hannel:

1. Be placed on one year of probation, subject to tolling for periods of non-practice;
2. Take a three hour graduate level course in psychological assessment/personality assessment to be approved by the Board Chairperson with a grade of B or better;
3. Complete six hours of face-to-face, in person continuing education in Borderline Personality Disorder and three hours of face-to-face, in person continuing education in Family Court Proceedings;
4. Not conduct any Borderline Personality Disorder assessments until she has completed all course work and continuing education.

If Dr. Hannel did not accept this consent agreement as modified within 10 business days then the formal hearing would be scheduled before the Board at the June 1, 2007 meeting.

8. CASE DISCUSSION/DECISION

a) Patrick Biggs, Ph.D. – Case No. 06-44

Monica Lindstrom, Esq., attorney for Dr. Biggs, was present and made a statement to the Board. Dr. Paul, made a motion, seconded by Dr. Lovejoy, and unanimously carried (7-0), to move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to open session, Board members resumed deliberations. Dr. Lovejoy made a motion, seconded by Dr. Karp, and unanimously carried (7-0), to invite Dr. Biggs to in an informal interview to address allegations that he may have violated A.R.S. § 32-2071(A)(13)(j) and (n) in that:

1. The Ohio Psychology Board found him in violation of the psychology laws and restricted his license;
2. In 2004, Dr. Biggs acknowledged to the Ohio Board that there had been a civil lawsuit in relation to his practice as a psychologist, but in his application for licensure in Arizona he indicated that he had not been sued; and
3. There were a number of inconsistencies in his answers regarding the civil action.

In lieu of conducting the informal interview, it was the consensus of the Board that staff should seek to obtain a consent agreement with Dr. Biggs agreeing to censure him and place him on probation in Arizona under the same terms of his probation in Ohio.

b) Douglas Bowers, Ph.D. – Case No. 07-01

Dr. Bowers was present with his attorney, Neil Harrington, Esq., and made a statement to the Board. Ms. Del-Colle read a summary of the case prepared by Dr. Mellott, who was originally the lead Board member on this case but was unable to be present at the Board meeting. Board members then proceeded to discuss the complaint. Dr. Lovejoy made a motion, seconded by Dr. Karp, and carried (6-1) with Dr. Paul voting no, to dismiss the case because it was without merit.

c) Paulette Selmi, Ph.D. – Case No. 07-04

Ms. Hunter-Williams recused herself from participating in this case. Dr. Lovejoy explained that he had a collegial and referral relationship with Dr. Selmi but that it would not bias his participation in this case. Debbie Hill, Esq., attorney for Dr. Selmi, made a statement to the Board. Dr. Karp indicated that she had a professional relationship in the past with Ms. Hill's law firm, but that she did not know Ms. Hill and would not be biased in her participation in this case. Board members then proceeded to discuss the complaint. Dr. Paul made a motion, seconded by Dr. Lovejoy, and unanimously carried (6-0-1), to move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to open session, Board members resumed deliberations. A motion was made by Dr. Santos de Barona, seconded by Dr. Lovejoy, and carried (5-1-1), with Dr. Paul voting no and Ms. Hunter-Williams not voting, to dismiss the case because it was without merit.

9. DISCUSSION/DISCUSSION REGARDING TITLE VIOLATION - A.R.S. § 32-2084

- **Audrey Goldman – T06-11** – Mr. Harvey gave the background in this case and Board members proceeded to discuss the issue surrounding the allegations of Dr. Goldman practicing without a license. Ms. Del-Colle made a motion, seconded by Dr. Wiggins, to table this discussion to the next meeting and directed the Board investigator to follow up with Dr. Goldman regarding her brochures, and whether she is currently practicing. The Board further requested that Dr. Goldman provide all materials relating to her services that advertise her practice and directed the Board investigator to conduct an inspection of Dr. Goldman's office.
- **Lori Martinez – T06-09** – Mr. Harvey gave the background in this case and Board members proceeded to discuss the issue surrounding the allegations of Ms. Martinez practicing without a license. . A motion was made by Dr. Karp, seconded by Ms. Del-Colle, and unanimously carried (7-0), to notify Ms. Martinez that the Board will take no further action.

The Board then discussed the issues raised by Ms. Martinez concerning Dr. Christine Tetzloff, a licensed psychologist. A motion was made by Ms. Del-Colle, seconded by Dr. Karp, and unanimously carried (7-0), to open a Board versus complaint against Dr. Tetzloff.

10. DISCUSSION/DECISION REGARDING RELEASE OF MEDICAL RECORDS PURSUANT TO A.R.S. § 12-2293 AND A.R.S. § 32-2061(A)(13)(cc) AND A.A.C. R4-26-106

Mr. Harvey explained that the Board's staff had received queries from some licensees as to whether psychologists had to now release raw test data to clients. Mr. Harvey explained that the Legislature had in fact changed the law so that this was indeed the case, despite provisions in the Board's statutes and rules allowing psychologists to exclude raw test data. Board members proceeded to discuss this issue, after which a motion was made by Dr. Lovejoy, seconded by Dr. Karp, and unanimously carried (7-0), to send a charge to the Legislative/Rules Committee to seek to have the Legislature reinstate the exclusion for providing raw test data in future statute revisions.

11. COUNSEL REPORT

- **Board v. Drewry – C20065374** - Keely Verstegen, Esq., Assistant Attorney General, reminded the Board that it had initiated an injunction in Tucson against Damaris Drewry, Ph.D. for using the word "psychology" without a license. Since then, Ms. Verstegen informed the Board, Dr. Drewry has made changes to her website and CDs referring to "sound psychology." Ms. Verstegen explained that the proposed stipulated agreement had been worked out with Dr. Drewry and her attorney, and that Mr. Harvey was comfortable with it. After some discussion, a motion was made by Dr. Lovejoy, seconded by Ms. Del-Colle, and unanimously carried (7-0), to accept the stipulated agreement with Dr. Drewry.

12. EXECUTIVE DIRECTOR'S REPORT

- **Financial** – Ms. McCarthy reported that at the end of February, which was eight months into the fiscal year, the Board had spent 61% of its appropriated funds which meant the Board was in good shape financially. She reminded the Board that it was running low on in-state travel funds and that she would have to address that issue when she prepared a new budget request this summer.
- **Legislation** – Ms. McCarthy next reported that HB 2662 was the bill introduced by Representative Lujan dealing with judicially appointed health professionals. The bill had had no activity since February 6, 2007, she reported, and appeared to be dead.

Finally, Ms. McCarthy reported on HB 2115, which would affect all health care boards, allowing them to offer non-disciplinary consent agreements which would require licensees to obtain continuing education credits. She reminded the Board that it had endorsed this concept and would have run its own legislation next year to add this to the Board's statutes. Ms. McCarthy stated that the bill seemed to be moving nicely through the legislative process.

13. LICENSING REPORT

- **New Licenses Issued** – Mr. Harvey reported that the Board had licensed the following 10 psychologists since the February 2, 2007 meeting, two of them by credential:

| | | | |
|------|-----------------------------|------|----------------------------|
| 3858 | Lisa Burgess, Ph.D. | 3863 | Philip Gibeau, Ph.D. |
| 3859 | Amy Serin, Ph.D. | 3864 | David Sbarra, Ph.D. |
| 3860 | Danielle Hernandez, Ph.D. | 3865 | Ian Strickland, Psy.D. |
| 3861 | Michael Borders, Psy.D. | 3866 | Marion Baker, Psy.D. |
| 3862 | Michael Christiansen, Ph.D. | 3867 | Patricia Hernandez, Psy.D. |

Mr. Harvey then reported that the Board had licensed 16 new psychologists this year, which compared to 23 licenses issued by this time last year.

- **EPPP Results** – Mr. Harvey next reported that the following seven applicants had passed the Examination for Professional Practice in Psychology in February and March, with three failing:

| <u>Pass</u> | <u>Fail</u> |
|-----------------------------|-------------------------|
| Christine Belden, Psy.D. | Stephen Neal, Ph.D. |
| Michael Christiansen, Ph.D. | Kristen Robaina, Psy.D. |
| Danielle Hernandez, Ph.D. | Shakira Simmons, Psy.D. |
| Patricia Hernandez, Psy.D. | |
| David Sbarra, Ph.D. | |
| Amy Serin, Ph.D. | |
| Ian Strickland, Psy.D. | |

- **New Applications** – Finally, Mr. Harvey reported that the Board had received 21 new applications and six re-applications over the past two months since the last Board meeting, which made a total of 39 total applications received this year. That compared to 28 total applications received by this time last year.

14. INVESTIGATIONS REPORT

- **New Cases Received** – Ms. Fox reported that since the beginning of the year, the Board had 16 new complaints with three of the previous year's complaints carried over into the 2007 calendar year.
- **Cases Resolved** – Ms. Fox next reported that since the last Board meeting in February, the 19 cases investigated has resulted in eight cases being dismissed, three cases referred to the full Board for review, and eight cases were currently under investigation.
- **Update on Scott Quimby Case – No. 06-39** – Ms. Fox then reminded the Board that at the February meeting it had issued a letter of concern to Dr. Scott Quimby and instructed staff to contact the County Attorney's Office and the American Psychological Association's (APA) Ethics Office regarding the falsified documents Dr. Quimby provided to the Board of Behavioral Health Examiners prior to being licensed as a psychologist in Arizona. She reported, the County Attorney's Office declined to take the case, however, directing her to the Attorney General's Office, which also declined the case. The APA's Ethics Complaints Department indicated that Dr. Quimby had not been a member of the APA since December 2004, had no jurisdiction over him, and therefore would take no action.
- **Consent Agreements Signed** – Finally, Ms. Fox reported that the consent agreements that had been offered by the Board in February to Drs. Gary Lassen and Valarie Hannemann had both been signed.

15. DISCUSSION/DECISION REGARDING APPLICATIONS

➤ REQUESTING EXAMINATION

Dr. Paul made a motion, seconded by Dr. Karp, and unanimously carried (7-0), that **Valerie Hoffman, Psy.D.**, having obtained a doctoral degree in psychology as required under A.R.S. § 32-2071, be approved to sit for the Examination for Professional Practice in Psychology (EPPP).

➤ REQUESTING EXAMINATION & LICENSURE

Dr. Paul next made a motion, seconded by Dr. Karp, and unanimously carried (7-0), that following applicants, having met the requirements of A.R.S. § 32-2071 and A.A.C. R4-26-203, be approved to sit for the EPPP and for licensure upon receipt of a passing score on the examination, and payment of the pro-rated original license fee:

- **Nitika Singh, Ph.D.**
- **Fred Vanhooose, Ph.D.**

➤ REQUESTS FOR LICENSURE BY WAIVER OF EXAMINATION

A motion was then made by Dr. Paul, seconded by Dr. Karp, and unanimously carried (7-0), that the following applicants, having met the requirements of A.R.S. § 32-2071.01(A), be approved for licensure upon payment of the pro-rated original license fee:

- **Rosalie Hydock, Ph.D.**
- **Michelle Perfect, Ph.D.**
- **Regina Santelli, Ph.D.**

➤ RATIFICATION OF LICENSES ISSUED BY CREDENTIAL

Dr. Paul then made a motion, seconded by Dr. Karp, and unanimously carried (7-0), to ratify the issuance of licensure by credential to the following applicants, who had met the requirements of A.R.S. § 32-2071.01(B):

- **Michael Sakowitz, Ph.D.**
- **Stephen Vincent, Ph.D.**

Finally, Dr. Paul announced that the following applications remained **ongoing**:

- **Sharon Anderson, Psy.D.**
- **David Beil-Adaskin, Psy.D.**
- **Charles Bilbrey, Ph.D.**
- **Debra Davis-Johnson, Ph.D.**
- **Sandra Ekeinde, Ph.D.**
- **Scott Goldman, Ph.D.**
- **Ismael Gonzalez, Psy.D.**
- **Chelle' Lodge-Guttery, Ph.D.**
- **Terrence Matteo, Ph.D.**
- **Page Odom, Psy.D.**
- **Shari Stillman-Corbitt, Psy.D.**
- **Ruth Tenreiro, Psy.D.**

16. DISCUSSION/DECISION REGARDING REQUESTS FOR MEDICAL INACTIVE STATUS PURSUANT TO A.R.S. 32-2073(E)

- **Pamela M. Rhatigan, Ph.D.** – A motion was made by Dr. Lovejoy, seconded by Dr. Santos de Barona, and unanimously carried (7-0), to approve Dr. Rhatigan for Medical Inactive status and that her \$400 license renewal fee will be returned.

- **Wilna Elizabeth Galbraith, Ph.D.** – A motion was then made by Dr. Wiggins, seconded by Ms. Hunter-Williams, to approve Dr. Galbraith for Medical Inactive status. After some discussion, the motion carried (5-2), with Dr. Karp and Ms. Del-Colle voting no.

17. NEW BUSINESS OR FUTURE AGENDA ITEMS

Dr. Paul asked the Board member whether anyone had any new business or future agenda items to propose, but there were none.

18. ADJOURNMENT

There being no further business to come before the Board, a motion was made by Dr. Lovejoy, seconded by Ms. Hunter-Williams, and unanimously carried (7-0), to adjourn the meeting at 4:25 p.m.

Prepared by:

**Marcus Harvey
Deputy Director**

Respectfully submitted,

**/s/ Maryann Santos de Barona, Ph.D.
Secretary**